

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)	
)	CHAPTER 7 PROCEEDING
WASEEM KHAN,)	
)	
DEBTOR.)	CASE NO. 20 B 17315
_____)	
)	
PATRICK S. LAYNG,)	ADVERSARY NO. 21 A 67
UNITED STATES TRUSTEE,)	
)	
PLAINTIFF,)	
)	HON. A. BENJAMIN GOLDGAR
)	
vs.)	
)	
WASEEM KHAN,)	
)	
DEFENDANT.)	

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on **Monday, June 27, 2022, at 10:00 a.m.**, I will appear before the Honorable A. Benjamin Goldgar, or any judge sitting in that judge's place, and present the **Motion of the United States Trustee to Dismiss Adversary Proceeding**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 500 0972 and the password is 726993. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Jeffrey S. Snell

Jeffrey S. Snell, Trial Attorney
United States Department of Justice
Office of the United States Trustee
219 South Dearborn, Room 873
Chicago, Illinois 60604
Telephone: (312) 886-0890

CERTIFICATE OF SERVICE

I, Jeffrey S. Snell, an attorney, certify that on June 13, 2022 I caused to be served copies of the **Notice of Motion and Motion of the United States Trustee to Dismiss Adversary Proceeding** on the ECF Registrants shown below *via* the Court's Electronic Notice for Registrants and *via* First Class US Mail by BMC Group on all other entities shown at the addresses listed below. A supplement to this Certificate of Service from BMC Group will be filed.

/s/ Jeffrey S. Snell

SERVICE LIST

Registrants Served Through the Court's Electronic Notice For Registrants:

- **Scott R. Clar** sclar@cranesimon.com, mjoberhausen@cranesimon.com; asimon@cranesimon.com

Parties Served via First Class Mail:

Waseem Khan 6602 N. Spokane Lincolnwood, IL 60712	Miriam R. Stein Gutnicki LLP 4711 Golf Road Suite 200 Skokie, IL 60076
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**MOTION OF THE UNITED STATES TRUSTEE TO
DISMISS ADVERSARY PROCEEDING**

Now comes Plaintiff, Patrick S. Layng, the United States Trustee for the Northern District of Illinois, by and through his attorney, Jeffrey S. Snell, and for his Motion to Dismiss Adversary Proceeding respectfully states to the Court as follows:

1. This adversary proceeding was commenced with the filing of Plaintiff's complaint objecting to defendant Waseem Khan's bankruptcy discharge on April 23, 2021. Defendant answered the complaint and discovery was commenced.

2. Defendant elected to waive any right he might have to a bankruptcy discharge under 11 U.S.C. § 727(a)(10), and his waiver was approved by the Court on June 13, 2022. As a result of Defendant's waiver of his discharge, the sole relief sought by the U.S. Trustee through this proceeding (*i.e.*, denial of discharge) is now moot.

3. Rule 41(a) of the Federal Rules of Civil Procedure, made applicable to this proceeding by Bankruptcy Rule 7041, provides that an action that has been answered can be dismissed on a plaintiff's request on such terms that the court deems proper. Rule 7041 provides that dismissal of an adversary proceeding objecting to discharge requires "notice to the trustee, the United States trustee, and such other persons as the court may direct..."

4. The U.S. Trustee is providing notice of this motion to the Chapter 7 Trustee and Defendant, and submits that no additional persons require notice of the motion because there is no relief that can be achieved through the adversary complaint that was not already provided by the approved waiver of discharge.

WHEREFORE, the U.S. Trustee respectfully requests that the Court enter an order dismissing the above-captioned adversary proceeding as moot and provide any other and further relief as is just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG
UNITED STATES TRUSTEE

DATED: June 13, 2022

By: /s/ Jeffrey S. Snell
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